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AUG 29 2005

OFFICE OF PETITIONS

In re Application of :
Cohen et al. :
Application No. 10/630,513 : ON PETITION
Filed: 29 July, 2003 :
Atty Docket No. P-US004-B-SC :

This is a corrected decision on the petition filed 3 August, 2005, under 37 CFR 1.137(b).¹

The petition is **GRANTED**.

The application became abandoned on 20 July, 2005, for failure to timely submit the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 19 April, 2005, which set a

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

three (3) month statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

The petition fee and issue and publication fees will be charged to counsel's deposit account, No. 50-2123, as authorized on the fee(s) transmittal sheet filed with the present petition.

The application will be referred to the Publishing Division for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D Wood", is positioned above the typed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions